

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321

Applicant : Juturu, et al.
 Appl. No. : 10/646,075
 Filed : August 22, 2003
 For : ARGININE SILICATE INOSITOL
 COMPLEX AND USE THEREOF
 Examiner : Henley III, Raymond J.
 Group Art Unit : 1614

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

January 7, 2005

(Date)

Mallary K. de Merlier, Reg. No. 51,609

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Empowerment of Attorney

Pursuant to 37 C.F.R. § 1.321(b) the undersigned attorney of record is empowered to act on behalf of the Assignee, Nutrition 21, Inc. ("Assignee"), by virtue of a Power of Attorney executed on December 18, 2003, a copy of which is attached.

Right of Assignee and Ownership

In accordance with 37 C.F.R. § 3.73(b), Assignee represents that it is the owner of a 100 percent interest in the above-identified application and co-owned U.S. Application Serial No. 08/799,784, now U.S. Patent No. 5,707,970 and U.S. Application Serial No. 09/367,267, now U.S. Patent No. 6,156,735. The chain of title of the present application from the inventors to the Assignee is set forth in the Power of Attorney referred to above. The assignment of Application No. 08/799,784, now U.S. Patent No. 5,707,970 is recorded at Reel No. 8467, Frame No. 0831, and the assignment of Application No. 09/367,267, now U.S. Patent No. 6,156,735 is recorded at Reel No. 010711, Frame No. 0168 by the Assignment Branch of the Patent and Trademark Office. The

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Assignee represents that, to the best of Assignee's knowledge and belief, title is in the Assignee seeking to take action.

Disclaimer by Assignee

Assignee hereby disclaims, except as provided below, the terminal part of any patent granted on the above-referenced application that would extend beyond the expiration date of the full statutory term of U.S. Patent No. 5,707,970 and U.S. Patent No. 6,156,735, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the instant application and U.S. Patent No. 5,707,970 and U.S. Patent No. 6,156,735 are co-owned. This agreement extends to any patent granted on the above-referenced application and shall be binding on its successors or assigns.

Assignee does not disclaim any terminal part of any patent granted on the above-referenced application prior to the earlier of the expiration date of the full statutory term of any patent issuing from U.S. Patent Application No. 08/799,784, now U.S. Patent No. 5,707,970 and Application No. 09/367,267, now U.S. Patent No. 6,156,735, and that of any patent issuing on the above-identified application in the event that either one later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

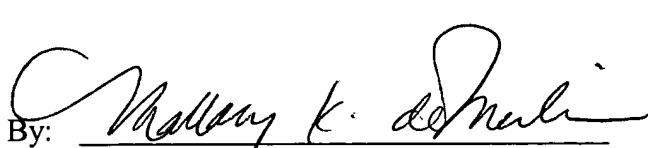
This Terminal Disclaimer is accompanied by the \$65 fee set forth in 37 C.F.R. § 1.20(d).

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 1/7/05

By:


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